



NEW YORK

CALIFORNIA

GEORGIA

PENNSYLVANIA

Innessa M. Huot  
[ihuot@faruqilaw.com](mailto:ihuot@faruqilaw.com)

**VIA ECF AND EMAIL**

The Honorable Andrew L. Carter  
 United States District Court  
 Southern District of New York  
 40 Foley Square, Courtroom 1306  
 New York, New York 10007  
[ALCarterNYSDChambers@nysd.uscourts.gov](mailto:ALCarterNYSDChambers@nysd.uscourts.gov)

Application Granted

Valerie Figueredo, U.S.M.J.

DATED: 9-12-2022

September 9, 2022

Re: *Pierre v. City of New York, et al.*, No. 1:20-cv-05116-ALC-VF

Dear Judge Carter:

We represent Plaintiff in the above-referenced collective action and write jointly with Defendant Whole Foods Market Group, Inc. ("Whole Foods") to respectfully request a brief one (1) week extension of time for Plaintiff to file his motion for final approval of the Settlement and award of attorneys' fees, costs, and service award.

On May 18, 2022, Your Honor granted preliminary approval of the Class and Collective Action settlement and ordered final approval papers to be submitted on or before September 13, 2022. ECF No. 140. The parties are respectfully requesting a brief one (1) week extension because Whole Food's counsel is out of the country and needs a few days to review the motion and confer with his client about it. This is the parties' first request for an extension of this deadline. This extension will not affect any other deadlines and should not affect the Fairness Hearing, which is scheduled to take place on October 6, 2022 at 2pm.<sup>1</sup>

Additionally, Plaintiff respectfully requests an enlargement of the page limits for his anticipated motion, from 25 pages to 40 pages, so that all issues can be addressed in a single brief, rather than two separate briefs. As your Honor is aware, Plaintiff has the burden of demonstrating that all of the Fed. R. Civ. P. 23 requirements are met and that the settlement is procedurally fair, substantively fair, and satisfies each of the nine factors delineated by the Second Circuit in *City of Detroit v. Grinnell Corp.*, 495 F.2d 448, 463 (2d Cir. 1974). Additionally, Plaintiff must establish that it is appropriate for the Court to award attorneys' fees, reimbursement of expenses, and a service award to Plaintiff. As such, Plaintiff would need to file two briefs, one relating to the reasonableness of the settlement, and a second relating attorneys' fees, costs, and a service award. It is far more expedition and efficient to present all such issues in a single comprehensive brief.

Based on the foregoing, Plaintiff respectfully requests that he be permitted to file up to a 40-page motion for final approval of the Settlement and award of attorneys' fees, costs, and service award, on or before September 20, 2022.

<sup>1</sup> There were no objectors or exclusion requests (opt-outs) in this case.



Hon. Andrew L. Carter

September 9, 2022

Page 2

We thank the Court for its time and attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Innessa M. Huot', written over a horizontal line.

Innessa M. Huot

Cc: Counsel of Record (*via* ECF)